

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR**

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 3676 of 2001

Between:

Aitha Ravinder son of Balaraj
Jammikunta Village and Mandal, Karimnagar Dist

.... PETITIONER

AND

Station House Officer Prohibition & Excise Station
Jammikunta, Karimnagar Dist

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent herein in seizing the black jaggery i.e.3,600 kgs. from the petitioner's shop for the alleged violation of under sec. 34(e) 41, 42 and 50 of AP. Excise Act, 1968 and registration of crime in PR.No.312/2000-2001 as illegal, arbitrary without jurisdiction and violative of Art. 14 19(i) (g) and 21 of the Constitution of India and consequently to set aside the same.

Counsel for the Petitioner: MR.CH.ANJI REDDY (not present)

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court made the following:

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 3676 of 2001

ORDER:

None appears for the petitioner.

When the matter came up for hearing on 09-07-2004, the learned Government Pleader was directed to ascertain the outcome of the crime registered against the petitioner. The learned Government Pleader submits that the crime enquiry is not yet completed and concluded.

In view of the same, the petitioner is at liberty to raise all the grounds, which have been raised in this writ petition, including the black jaggery that cannot be subjected to confiscation, as there is no prohibition for transportation of the same from one place to other and that the seizure itself is not in contravention of any statutory provisions of the Law.

Accordingly, the writ petition is dismissed. The authorities concerned are directed to complete the enquiry and pass final orders. No costs.

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kvr 14th July, 2004

To

1. Station House Officer Prohibition & Excise Station
Jammikunta, Karimnagar Dist

2. Two C.Cs. to GP for Prohibition & Excise, High Court Buildings, High Court of
A.P., Hyderabad (OUT)

3. Two C.D.Copies.